

*ccw, 5*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

FLORENCE EARNEST,

Plaintiff,

Civil Action No.: 1:07-cv-11580

vs.

MERCK & CO., INC.,

Defendant.

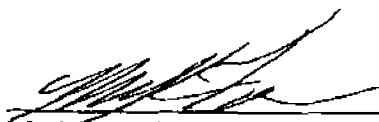
**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to FED. R. CIV. P. 41(a)(1), plaintiff FLORENCE EARNEST, by and through her undersigned counsel, voluntarily dismisses without prejudice the claims against the defendant listed in the caption of this case.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed electronically this 25<sup>th</sup> day of January, 2008, using the Court's CM/ECF system, which will notify all counsel of record.

*So ordered John F. Kasson*  
*March 14, 2008 Ed. A. E. J.*

  
Meghan M. Tans  
Timothy M. O'Brien  
Levin, Papantonio, Thomas, Mitchell, Eschsner  
& Proctor, P.A.  
316 South Baylen Street, Suite 600 (32502)  
P. O. Box 12308  
Pensacola, Florida 32591  
Telephone (850) 435-7181  
FAX (850) 436-6181  
COUNSEL FOR PLAINTIFF